

(2013) 01 RAJ CK 0111

In the Rajasthan High Court

Case No : Civil Writ Petition (Parole) No. 18584/2012

Heera Lal

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 17-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0111

Hon'ble Judges : Veerender Singh Siradhana, J;N.K. Jain, J

Bench : Division Bench

Judgement

1. Heard finally with the consent of learned counsel for the parties. Convict/petitioner, Heera Lal S/o. Keshrilal, has preferred this parole writ petition from Central jail, Ajmer to grant him second parole of 30 days.

2. Learned counsel for petitioner submitted that conduct of petitioner during jail custody and first parole period was satisfactory, therefore, he is entitled to be released on second parole of 30 days, therefore, petitioner may be granted second parole of 30 days.

3. Respondents have filed the reply to writ petition, wherein it is stated that appeal of petitioner against his conviction is pending, therefore, in view of judgment of this Court in Umesh Kumar Singh alias Munna Singh Vs. State of Rajasthan and others, , the State is unable to exercise its powers to grant parole to respondents.

4. We have considered the submissions of learned counsel for the parties.

5. The question whether State can exercise its powers for grant of parole during pendency of appeal against conviction of convict has been referred to Larger Bench in Ramesh Kumar Vs. State of Rajasthan & Ors., in D.B. Civil Writ (Parole) Petition No. 8343/2012, vide order dated 11th January, 2013, therefore, we dismiss this writ petition at this stage with liberty to convict petitioner to move fresh application, in case he is so advised. A copy of this order be sent for

information to convict/petitioner.